

Matthew J. Nicori  
Name 141573  
Prison Number  
Yukon Kuskokwim Correctional Center  
Place of confinement  
PO Box 400  
Mailing address  
Bethel, AK 99559  
City, State, Zip  
(907) 543-5245  
Telephone

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

Matthew James Nicori,  
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Case No. 4:23-cv-00012-JMK  
(To be supplied by Court)

Brandon Viator,  
John O. Putikka,  
Rachel Davlea,  
Bailey J. Wolfstead,  
(Enter full names of defendant(s) in this action.  
John Doe Do NOT use *et al.*)  
Jane Doe,  
Defendant(s).

PRISONER'S  
COMPLAINT UNDER  
THE CIVIL RIGHTS ACT  
42 U.S.C. § 1983

**A. Jurisdiction**

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Matthew Nicori,  
Yukon Kuskokwim Correctional Center (print your name)  
who presently resides at PO Box 400, Bethel, AK 99559,  
(mailing address or place of confinement)  
were violated by the actions of the individual(s) named below.

Brandon Viator, AST  
John O. Putikka, OPA  
Rachel Davlea, PDA  
Bailey J. Wolfstead, Assistant Attorney General  
John Doe  
Jane Doe

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Brandon Viator is a citizen of Alaska, and is employed as a Alaska state trooper.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, John O. Putikka is a citizen of Alaska, and is employed as a Office of Public Advocacy.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Rachel Duivle is a citizen of Alaska, and is employed as a public defenders Agency.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

**\*\*\*REMINDER\*\*\***

**You must exhaust your administrative remedies before your claim can go forward.  
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

**C. Causes of Action** (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Defendant NO.4, Bailey J. Woolfstead is a citizen of Alaska, and is employed as a Assistant Attorney General.  
\_\_\_\_\_ this defendant personally participated in causing my injury  
, and I want money damages.

OR  
X the policy or custom of this official's government agency  
violates my rights, and I seek injunctive relief(to stop or  
require someone to ~~do something~~)

Defendant NO.5, \_\_\_\_\_ is a citizen  
of \_\_\_\_\_, and is employed as a \_\_\_\_\_.

\_\_\_\_\_ this defendant personally participated in causing my injury,  
and I want money damages.

OR  
\_\_\_\_\_ the policy or custom of this official's government agency  
violates my rights, and I seek injunctive relief(to stop or  
require someone to do something,)

may 29,2018; june 06,2018 december 13,2018  
Claim 1: On or about january 29,2019 october 15,2020 my civil right to  
(Date)

due process

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Brandon viator, John putikka, Rachel Duvlea,  
Bailey J Woolfstead (Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

1) Viator Miranda right during interrogation, perjured testimon  
inadmissable hearsay in grand jury indictment followed by per-  
jured testimony at motion to suppress nov. 12, 2021.

2) coercion by defendant putikka Dec. 13 2018 threats of no  
counsel, exculpatory DNA results never given Jan.29, 2019.

3) no discoveries yet Duvle tried to have plaintiff have trial  
bail hearing May 15,2020, plaintiff subject to slander on record  
excessive 250,000 bail

4) false statements made by Woolfstead insisting on record that  
that plaintiff made motion to strike DNA; perjured testimony used  
and never corrected to forfeit Brady material June 7,2022, ARMS  
report evidentiary hearing Feb. 29,2023; omnibus hearing, motion  
to compel evidence hearing Jan. 12,2023; omnibus hearing ruling  
, without plaintiff present, continuance trial Sept. 2023,

Withholding brady material investigation or lack of investigat-  
ion into grand jury accusation in deposition by Sysie Lott pg.  
34, A line 14-15 " yeah, we got a phone call in the evening ask-

asking us if we wanted to die, and I don't know who it was---"  
the prejudicial value far exceeds the probative. Accusations tha  
even shock the conscience of plaintiff, I pray the court  
enjoins the lower court to grant plaintiff Nicori due process.

Claim 2: On or about Sept. 7, 2022 Feb. 9, 2023, my civil right to  
(Date)

Compell witnesses for defense

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Bailey J. Woolfstead

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

the right of compelling witnesses for defense in 2016-18, 15-16 year old paula Jacob now deceased on Feb. 22, 2021, the states five year delay of due process, Jacob along with plaintiff's daughter 16-17 year old at the time along with son dre Nicori who was 7-8 would spend weekends at the seminary dorm where one bedroom couch, kitchen, bath, where nicori was arrested working as a volunteer plumber, after two years graduating and was going to be a minister. plaintiff is being denied cause of states prejudicial five year hiatus of civil rights.

Motion to compel exonerating ARMS report denied by perjured testimony on Sept, 7, 2022 Ruling by Judge Peters using inadmissible hearsay with declarant Robert Lott absent at hearing even though involved and mentioned in the ARMS report.

another motion to compel February 9, 2023 denied without a mandatory hearing further violating and prejudicing a fair trial. Plaintiff Nicori has been pursuing justice, due process, trying to compel exculpatory witness' the state has been using arbitrary application of stricti juris, denying Nicori of exculpatory witnesses and the redress of grievances, deprivation has caused plaintiff injustice and injury, appealing to the fourteenth amendment by minorities to the "due process clause"



December 13, 2018 December 21, 2018

Claim 3: On or about January 14, 2019; Sept. 2, 2021, my civil right to  
(Date)

Right to a speedy trial

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Putikka, Duvlea, Woolfstead

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

On december 13 2018 Bethel superior court, judge Peters presiding  
counsel Putikka, Plaintiff made a demand for a speedy trial rule  
45. Judge Peters denied and entered a continuance. then defendant  
Putikka came over to jury box where Nicori was sitting, threat-  
ing Nicori "If you spaek up like that again, you will represent  
yourself" January 14, 2019 calender call where DNA results being  
recieved by Putikka was recorded. Yet Nicori did not recieve the  
DNA lab results; September 2, 2021 over three years delay of  
exculpatory evidence, even though plaintiff made repeated in-  
quiries to the DNA to counsel Duvlea.

plaintiff Nicori as of may 29, 2023 has been incarcerated five  
years with the statute of limitations axpired with no reason  
given for the delay of trial, Nicori was on the trial list being  
first the list in April of 2023, continuance entered on Feb, 15  
2023 and another continuance entered on February 15, 2023,  
with no presence of plaintiff or knowledge, a diliberate dan  
deprevation of civil rights of plaintiff.

Claim 4: on or about May 29, 2018; 6/6/2018, my civil right to

Defamation/ slander, the conscience

was violated by Trooper Brandon Viator

supporting facts (Briefly describe facts you consider important to claim 4.

Defendant trooper Viator totally shocking the conscience of  
plaintiff with intent and purpose not involved in the investigation  
ation with intent and purpose to cause plaintiff harm with a  
questions in June 29, 2018 interview with plaintiff page 36 line  
05 line 502-503 "like what was going through your mind? were  
you to--did you think that she was going to like it?" Viator  
even though plaintiff had pleaded the fifth continued to  
question; yet on even on page 39 q, line 670 "I know-I know  
it's a little embarrassing" with nothing in the complaint about  
genital contact, plaintiff had to have genitals touched by trooper  
Viator, with deliberate indifference even at the grand jury  
indictment prejudicial, inadmissible hearsay that set a domino  
effect of unconstitution, biased violation since June 6, 2018  
page 54 A line 12-13 "he through numerous statements, he admit-  
ted to it. He did not say specifically what he did." plaintiff  
Nicori a survivor of multiple sexual assault as a child, referring  
to them, with state actors using them against Nicori, as if  
suffering through childhood assaults were not hard enough! To  
have them used against him, when will Nicori be innocent until  
proven being treated with deliberate indifference. or is just  
because i'm part of a minority that is being disproportionately  
incarcerated by the state of Alaska? Justice prevail i pray.

Claim 5: on or about May 29, 2018, my civil right to

Equal protection

was violated by Trooper Brandon Viator, ET AL.

supporting facts( briefly describe facts you consider Important to claim 5.

state prisoner Matthew J. Nicori exercising his right to petition

-n in federal court for the writ of Habeas Corpus, the federal

due process rights apply to the states, Exculpatory Brady

material denied, evidentiary hearings using perjured testimony

used to deny by state actors, with plaintiff denied even to

have even the basic right of a hearing before ruling, blatant

acts of concealment, making proceeding fundamentally lawless that

imprisonment pursuant to them is not only erroneous but con-

stitutionally void. Nicori is petitioning for equal protection

using the equal protection clause of the fourteenth amendment

the prosecution is abridging and depriving due process of the

brady right " the right to full disclosure for the fair trial"

Cruel and unusual punishment of plaintiff Matthew J. Nicori



#### D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment?** ☒ Yes ☐ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): Matthew James Nicori

Defendant(s): Nancy Dolstrom

Name and location of court: U.S. District Court Anchorage, AK.

Docket number: 3 Name of judge: Sharon L. Gleason

Approximate date case was filed: 09.09.2019 Date of final decision: 11.07.2019

Disposition: ☒ Dismissed ☐ Appealed ☐ Still pending

Issues Raised: 1) miranda 2) 5<sup>th</sup> amendment for counsel 3) excessive bail 4) due process 5) speedy trial  
6) access to prison library

b. Lawsuit 2:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: ☐ Dismissed ☐ Appealed ☐ Still pending

Issues Raised: \_\_\_\_\_

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

☐ Yes ☒ No

If your answer is "Yes," describe each lawsuit on the next page.

**Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:**

- a. Defendant(s): \_\_\_\_\_
- b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_
- c. The case was dismissed as: \_\_\_ frivolous, \_\_\_ malicious and/or \_\_\_ failed to state a claim
- d. Issue(s) raised: \_\_\_\_\_
- e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

**Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:**

- a. Defendant(s): \_\_\_\_\_
- b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_
- c. The case was dismissed as: \_\_\_ frivolous, \_\_\_ malicious and/or \_\_\_ failed to state a claim
- d. Issue(s) raised: \_\_\_\_\_
- e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

**Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:**

- a. Defendant(s): \_\_\_\_\_
- b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_
- c. The case was dismissed as: \_\_\_ frivolous, \_\_\_ malicious and/or \_\_\_ failed to state a claim
- d. Issue(s) raised: \_\_\_\_\_
- e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

4. **Are you in imminent danger of serious physical injury?** \_\_\_ Yes ☒ No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 10,000 a day x 2 after May, 29, 2023
  2. Punitive damages in the amount of \$ 40,000 a day x 2 after May 29, 2023
  3. An order requiring defendant(s) to relinquish exculpatory evidence held by inadmissible persons hearsay
  4. A declaration that Plaintiff be given exculpatory evidence, due process
  5. Other: Monetary damages be double after plaintiff is incarcerated five years without trial, May 29, 2023
- Plaintiff demands a trial by jury.        Yes X No

## DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Bethel Alaska  
Yukon Kuskokwim Correctional center on June 6, 2023  
(Location) center (Date)

[Signature]  
(Plaintiff's Signature)

Original Signature of Attorney (if any)

(Date)

Yukon Kuskokwim Correctional center  
P.O. Box 400 Bethel AK 99559  
(907) 543-5245

Attorney's Address and Telephone Number

Matthew nicori 141573  
yukon kuskokwim correctional center  
po box 400  
Bethel, alaska 99559  
(907) 543-5245

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

Matthew nicori  
Petitioner,  
vs.

Brandon Viator, AK, ST, Trooper  
John O. Putikka, OPA  
Rachel Duvlea, PDA  
Bailey J. Woolfstead, Asst. Att. General

case.no.  
complaint

I. PETITION

Self represented prisoner, Matthew nicori, filing for a petition for a writ of habeas corpus under 42 U.S.C. § 1983 along with a prisoner's application to waive prepayment of the filing fee. Mr. Nicori is a pretrial detainee at the Yukon Kuskokwim Correctional Center. This court takes notice of Mr. Nicori's criminal case in the Alaska Superior court in case no. 4BE-18-00520CR. In the Bethel superior court, fourth judicial district State of Alaska.

1) On or about May 19th, 2018 at or near Akiak, according to grand jury indictment transcripts in the fourth judicial district Bethel Superior court. Four counts were charged against plaintiff Nicori (1) AS11.41.420(a)(3)(2), (2.) AS11.41.420(a)(3)(3), (3.) AS11.41.425(a)(1)(C), (4) AS11.41.425(a)(1)(3).

in the investigation by defendant SGT. Alaska State trooper Brandon Viator, with search warrant 4BE-18-34SW for a SART kit to be served on plaintiff Nicori's person on May 29, 2018 at Bethel, Alaska State trooper station. Defendant Viator picked up Plaintiff Nicori at the Bethel Moravian church property, where Nicori was working volunteering as a plumber at the seminary. In proceeding service of warrant.



proceeding service of warrant and interrogation. Plaintiff Viator repeatedly violated Nicori's demand for fifth amendment right to remain silent and right to counsel. Incarcerating Nicori at YKCC Bethel jail on the following June 06, 2018 Grand jury indictment plaintiff Viator using perjured, prejudicial testimony in which defendant Viator stated pg. 54 A L. 12-13 " he through--through numerous statements he (Nicori) admitted to it." After a November 10, 2021 motion to suppress hearing in which Trooper Viator yet again committed perjury. Presiding Judge Nathaniel Peters ruled on November 12, 2021 to suppress interrogation statements for constitutional violations. A fifth amendment and due process.

2) Nicori's first court appointed counsel then PDA John O. Putikka approximately on December 13, 2018 at the Bethel superior court, calendar call on case no. 4BE-18-00520CR, Nicori demanding his right for a speedy trial, presiding judge Nathaniel Peters entered a continuance against the wishes of Nicori, Counsel Putikka came over to the jury box where all the defendants were sitting threatened plaintiff Nicori. "if you speak up like that again, you will be representing yourself.", January 14 attorney visit at YKCC in Bethel, AK. Counsel Putikka stated "I've received the lab DNA results." and produced a black covered folder. Next day on January 14, 2019 at calendar call at the Bethel Superior Court, Putikka on record "I've received the DNA lab results but need to black out seven pages." Exculpatory evidence never given to plaintiff. 1st and sixth right to counsel.

3) Nicori's third PDA counsel Rachel Duvlea Despite numerous petitions for investigations, petitions for motion to compel discoveries, Defendant Duvlea tried to take Nicori to trial on October 15,

15,2020 calender call, scheduling a trial even though no due process, investigation, right to effective counsel.

4)Bailey j. Woolfstead assistant attorney general, right to speedy trial, staiting on record "no DNA evidence"on March 13, 2019, even trying to misslead the court that plaintiff Nicori has madea motion to strike the DNA evidence, even though Nicori had made no such motion on May 16,2019, same day that judge Nathaniel Peters violated Nicori's 1st amendment right, stating I will not honor your right to speak and petition the Government.

5) John Doe

6) Jane doe

1. as a result of defendant's violations of plaintiffs due proces rights, causing plaintiff loss of life, liberty, income, without equal protection of the law. Exceeding five years on May 29,2023 of mental anguish.

2.Wherfor, plaintiff prays for judgement against defndants in the sum of 10,000\$ a day compenstory,; 40,000\$ a day punative plus costs and interest, 50,000 a day to May 29,2023, 100,000 a day after May 29,2023 .



Matthew j. Nicori 141573  
plaintiff PRO SE



Subscribed and sworn to before me  
this 6<sup>th</sup> day of June 20 23  
Wilbert W. Larson  
Notary Public

My Commission Expires with employment

Matthew Nicori 141573  
Yukon kuskokwim correctional center  
po box 400  
Bethel, AK 99559

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

Matthew nicori,  
petitioner

vs.

Brandon Viator, state trooper  
John O. Putikka, OPA  
Rachel Duvlea, PDA  
Bailey J. Woolfstead, ASST. ATT. General

case no.

Declaration of service  
CIVIL Rule 4(e) AFFIDAVIT

I, the undersigned, hereby certify that on this \_\_\_\_ day of June  
20\_\_\_\_, the foregoing was served on the clerk of the district of  
Alaska, United States District Court for filing; and served upon  
the following in accordance with Federal rule of civil procedure  
(FRCP) Rule 4.

1) Brandon Viator AK. ST. Trooper \_\_\_\_\_ District, Address \_\_\_\_\_  
453 South Valley way Palmer, AK 99645;

2) John O. Putikka, OPA \_\_\_\_\_ District, Address \_\_\_\_\_  
900 W 5th Ave, Suite 525 Anchorage, AK 99501;

3) Rachel Duvlea, PDA \_\_\_\_\_ District, Address \_\_\_\_\_  
529 5th Avenue ste. 1 fairbanks, AK 99701;

4) Bailey J. Woolfstead Assistant Attorney General, Address \_\_\_\_\_  
PO Box 170 Bethel, AK 99559;

5) John Doe,

6) Jane Doe,  
6) Jane Doe,

By depositing the same in the mail on this 6<sup>th</sup> day of June  
2023, properly addressed with postage and prepaid.



Matthew nicori

\_\_\_\_\_ plaintiff, pro se

DOC# 141573

yukon kuskokwim correctional  
center,  
Bethel AK 99559



Subscribed and sworn to before me  
this 6<sup>th</sup> day of June 2023

Wilbert W. Larson  
Notary Public

My Commission Expires with employment



New 1000  
a kaskokw in correctional center  
x 400  
nel AK 99559



RECEIVED

JUN 15 2023

Clerk, U.S. District Court  
Fairbanks, AK

United States District Court  
District of Alaska  
Clerk of Court  
Federal Building U.S. Courthouse  
101 12<sup>th</sup> Avenue, Room 332  
Fairbanks, Alaska 99701-9990